

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

REGINALD GIBSON,

Defendant and Appellant.

B236163

(Los Angeles County
Super. Ct. No. NA086567)

APPEAL from a judgment of the Superior Court of Los Angeles County, Jose I. Sandoval, Judge. Affirmed.

Gary V. Crooks, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Appellant Reginald Gibson was convicted of two counts of assault with a deadly weapon following a bench trial. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting that this court review the record and determine whether any arguable issues exist on appeal. We have reviewed the entire record and find no arguable issue. We affirm.

FACTS AND PROCEDURE

As required by *People v. Kelly* (2006) 40 Cal.4th 106, 124, we provide a brief description of the facts and procedural history of the case.

In an amended information, appellant was charged with two counts of assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)), identifying Glendall Ruffie and Barry Barnfield as victims. With respect to the assault on Ruffie, it was alleged appellant inflicted great bodily injury. A prior serious felony conviction was alleged (§§ 667, subds. (a)(1), (b)-(i), 1170.12, subds. (a)-(d)).

Prior to trial, appellant was given in pro. per. status. When he requested to relinquish his in pro. per. status, his motion was granted. The charges were tried in a bench trial after appellant waived jury trial on the current offenses and the prior offense.

The evidence at trial showed that on August 14, 2010, appellant struck Ruffie on her arm with a baseball bat, fracturing her arm and requiring her to have multiple surgeries. After hitting Ruffie, appellant struck Barnfield in the head and back. Appellant denied striking either Ruffie or Barnfield and denied owning a bat.

A fingerprint expert testified that appellant's prints were the same as the prints in the priors packet from the Department of Corrections and Rehabilitation archives bearing appellant's name.

The court found all allegations true.

After trial, appellant sought and was granted in pro. per. status. At the sentencing hearing, the court revoked appellant's in pro. per. status when appellant refused to speak. Counsel was appointed to represent him. When appellant was disruptive during sentencing he was removed from the courtroom.

The court denied appellant's *Romero* motion. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.) The court sentenced appellant to a total 18-year prison term. The court terminated appellant's probation in a different case.

DISCUSSION

We denied appellant's request to proceed in pro. per. on appeal. We appointed counsel to represent appellant. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On July 26, 2012, we advised appellant that he had 30 days within which to submit any contentions or issues that he wished us to consider. We granted appellant's request for a continuance to file a supplemental brief. Appellant filed an untimely brief on November 5, 2012, describing his medical condition, acknowledging notice of counsel's intent to file a *Wende* brief and acknowledging receipt of the record on appeal, and describing the denial of his requests for library privileges and alleged mistreatment by prison staff.

We conclude that no arguable issue exists and that appellant's attorney has fully complied with his responsibilities. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284; *People v. Kelly, supra*, 40 Cal.4th at pp. 118-119; *Wende, supra*, 25 Cal.3d at p. 441.) We have reviewed appellant's untimely supplemental brief and conclude he raises no issue relevant to this appeal.

DISPOSITION

The judgment is affirmed.

FLIER, J.

We concur:

BIGELOW, P. J.

GRIMES, J.